

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

HOLGER DZIALLAS, *et al.*

Serial No.: 10/559,152

Filed: April 26, 2006

For: MEMBRANE-ELECTRODE UNIT FOR DIRECT  
METHANOL FUEL CELLS AND METHOD FOR THE  
PRODUCTION THEREOF

**Confirmation No. 9050**

Art Unit: 1727

Examiner: Edu E. Enin-Okut

Atty. Dckt: 034166.006US

**RENEWED PETITION FOR ACCEPTANCE OF UNINTENTIONALLY  
DELAYED CLAIM OF BENEFIT UNDER 37 C.F.R. §1.78(a)(3)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Mail Stop: Petition**

Dear Sir:

This Renewed Petition is being filed pursuant to 37 C.F.R. §1.78(a)(3) to renew the request of acceptance of an unintentionally delayed claim of benefit.

In particular, Applicants claim benefit to the filing date of prior-filed, copending non-provisional application US 10/308,491, filed December 3, 2002, which issued as U.S. Patent 7,141,270 on November 28, 2006, and of which the present application is a continuation-in-part.

A Petition first presenting this request to the Petitions Branch was submitted on March 30, 2011. On June 27, 2011, a Decision on Petition was issued dismissing the Petition filed March 30, 2011 on the grounds that the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2) was deemed to improperly include a statement of incorporation by reference of the previously filed application.

Accordingly, by this Renewed Petition, Applicants submit a corrected reference as required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2). Applicants again submit that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2) and the filing of this Renewed Petition for acceptance of the claim was unintentional.

Applicants again note that the requisite surcharge of \$1,410.00, as required under 37 C.F.R. §1.17(t) was previously submitted with the Amendment filed February 2, 2010.

It is not believed that any additional fees, beyond those otherwise provided for, are due with this Renewed Petition. However, in the event that additional fees are necessary then payment of such fees is hereby authorized to be charged to **Deposit Account No. 02-4300**, Attorney Docket No. **034166.006US**.

Respectfully submitted,



Dennis C. Rodgers  
Registration No. 32,936

Date: July 12 2011  
SMITH, GAMBRELL & RUSSELL, LLP  
1130 Connecticut Ave., NW, #1130  
Washington, D.C. 20036  
Telephone: (202) 263-4300  
Fax: (202) 263-4329

## AMENDMENT

### **In the Specification**

Please amend the specification of this application as instructed below.

In the specification, on page 1, after the Title and before the heading entitled "Description", please insert the following section heading and paragraph:

--Reference to a Related Application

This application is a continuation-in-part, and claims the benefit of  
copending U.S. Patent Application No. 10/308,491, filed December 3, 2002,  
now U.S. Patent 7,141,270.--